

IN THE U.S. PATENT AND TRADEMARK OFFICE

In re Application of:

Docket No. 41577-270459

TITBALL ET AL.

Serial No. 10/070,882

Filed: **March 11, 2002**For: **RECOMBINANT MICROORGANISMS**

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Sir:

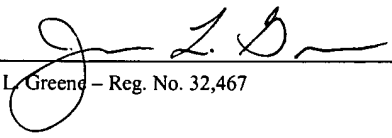
Transmitted herewith is a paper in the above-identified application.

- ☒ Response to Restriction Requirement.
☒ No additional fee is required.
☐ The additional fee is calculated as shown below:

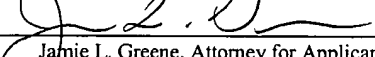
| | | | | | SMALL ENTITY | | OTHER THAN SMALL ENTITY | |
|--|---|-------|-----------------------------------|------------------|-----------------|---------------|----------------------------|---------------|
| | CLAIMS REMAINING AFTER AMENDMENT | | HIGHEST PREVIOUSLY PAID FOR | PRESENT EXTRA | RATE | ADDIT. FEE | RATE | ADDIT. FEE |
| TOTAL | 19 | MINUS | 20= | 0 | x9 | \$ | x18 | \$ |
| INDEP. | 2 | MINUS | 3= | 0 | x43 | \$ | x86 | \$ |
| FIRST PRESENTATION OF | | | | | | | | |
| <input type="checkbox"/> MULTIPLE DEPENDENT CLAIMS | | | | | +145 | \$ | +290 | \$ |
| TOTAL | | | | | | | | |
| ADDITIONAL FEE | | | | | | \$ | | \$ |

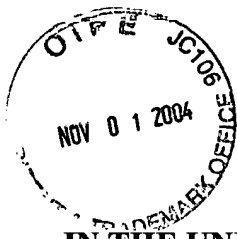
- ☐ A check in the amount of \$ is attached.
☒ The Commissioner is hereby authorized to charge any additional fees required under 37 CFR §1.16, or credit any overpayment, to Account No. 11-0855. A duplicate copy of this sheet is enclosed.

I hereby certify that this correspondence is being deposited with
with the United States Postal Service as first class mail in an
envelope addressed to: Commissioner for Patents,
P.O. Box 1450, Alexandria, VA 22313-1450, on October 29, 2004.


Jamie L. Greene - Reg. No. 32,467

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By: 
Jamie L. Greene, Attorney for Applicant
Reg. No. 32,467



ATTORNEY DOCKET: 41577-270459

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)
)
TITBALL ET AL.)
) Art Unit: **1645**
Serial No. **10/070,882**)
) Examiner: **S. Devi**
Filed: **March 11, 2002**)
)
For: **RECOMBINANT MICROORGANISMS**)

RESPONSE TO RESTRICTION REQUIREMENT

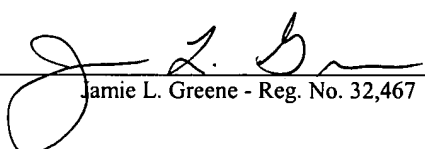
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In response to the Restriction and/or Election Requirement mailed September 29, 2004, in the above-identified patent application, Applicants elect with traverse the invention of Group I, Claims 1-4, 7-15 and 17-22, drawn to a method of enhancing expression of a desired protein at mucosal effector sites by placing the protein to be expressed under the control of *phoP* promoter (SEQ ID NO: 2) and a recombinant gut-colonizing microorganism transformed with a construct comprising a PhoP promoter.

Applicants respectfully submit that the inventions of Group I and II (enhanced expression of a desired protein at mucosal effector site, the gut) is achieved by the selection of certain promoters (see Example 5 and corresponding Figure 5). The inventions of Group I and II share significant commonality in both the method steps (see Examples) and the end result (enhanced expression of a desired protein in the gut). Applicant submit Groups I and II

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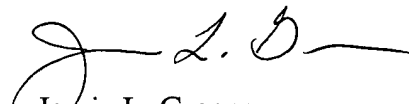

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are thus embodiments of the same inventive concept. Accordingly, Applicants request rejoinder of Groups I and II.

If rejoinder is not granted, Applicants reserve their right to pursue the invention of Groups II-IV in a divisional patent application.

No additional fees are believed due, however, the Commissioner is hereby authorized to charge any deficiencies which may be required or credit any overpayment to Deposit Account Number 11-0855.

Respectfully submitted,



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